

UNITED STATES DISTRICT COURT
DISTRICT OF NEVADA

JAMAL DAMON HENDRIX,

Plaintiff,

vs.

STATE OF NEVADA, *et al.*,

Defendants.

Case No. 2:13-cv-01527-JAD-CWH

ORDER

This matter is before the Court on Plaintiff's Motion to Give Judicial Notice (#57), filed August 13, 2014.

Plaintiff's motion is characterized for a motion for judicial of fact related to service of process in this action. As the undersigned has previously informed Plaintiff, this is not an appropriate basis for judicial notice. *See* Order (#52). It appears that Plaintiff is requesting that the Court issue an additional subpoena for information related to certain defendants. Plaintiff requests that the subpoena duces tecum be issued to the custodian of records for the Clark County Detention Center directing the production of the first and last names for the following individuals identified in the complaint: Binko, Hem, Wooden, and Rohan. The Court previously granted this relief in Order #34. Additionally, the Court noted that Rohan was not directed to be served in Order #8, and therefore, amended the subpoena issued (#37) to reflect this change. Plaintiff's motion provides no additional information that would warrant reissuing the subpoena. Thus, as before, the request that the Court issue an additional subpoena duces tecum will be denied.

The Court notes, however, that in the amended order directing the issuance of the subpoena duces tecum the custodian of records was ordered to respond to the subpoena duces tecum within 14 days by providing the requested information to the United States Marshal's Service ("USMS"). In turn, the USMS was to file with the Court, under seal, the names and last-known addresses for

1 the defendants. Based on the record, that has not occurred. Indeed, it is not clear what, if anything,
2 has been done in regard to compliance with the previously issued subpoena duces tecum (#37).
3 Consequently, the Court will require the United States Marshal to submit a status report, under seal,
4 so that the Court can adequately assess whether the subpoena was complied with.

5 Based on the foregoing and good cause appearing,

6 **IT IS HEREBY ORDERED** that Plaintiff's Motion to Give Judicial Notice (#57) is
7 **denied without prejudice.**

8 **IT IS FURTHER ORDERED** that the Clerk of Court shall serve a copy of this order on
9 the United States Marshal Service.

10 **IT IS FURTHER ORDERED** that the United States Marshal Service shall submit, under
11 seal, the response provided to the original subpoena duces tecum from the custodian of records at
12 the Clark County Detention Center. The submission is due on or before **Friday, October 31, 2014.**

13 Dated: October 9, 2014.

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17 **C.W. Hoffman, Jr.**
18 **United States Magistrate Judge**
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